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David W. Osborne
Registered Patent Attorney
osborne@tnw.com

November 17, 2006

Via facsimile only to 571-2736500

Ms. Latrice Sims
Refund Branch
Mail Stop 16
Director of the US Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Request for Deposit Account Refund
Deposit Account No. 20-0100
Our Reference: 01235-23625

Dear Ms. Sims:

A Request for Deposit Account Refund was requested on November 16, 2005, for which we have not yet received a refund or a refusal of such refund.

Please consider the facts as outlined below and as contained in the attached documents.

1. A charge for \$1370.00 was made to the above-referenced account on Oct. 18, 2005; fee code 1454; Serial No. 10/700,838; Docket No. LIPO-001/00US (the docket number has changed since this fee was paid). This fee was paid as directed in a "Petition to Accept an Unintentionally Delayed Claim for the Benefit of a Prior-Filed Application..."
- a. Copy of Monthly Statement of Deposit Account for Oct. 31, 2005 with the above charge noted
2. A charge for \$1370.00 was made to the above-referenced account on Nov. 9, 2005; fee code 1454; Serial No. 10/700,833; Docket No. LIPO-001/00US (the docket number has changed since this fee was paid). This fee was charge for a "Resubmission of a Petition to Accept an Unintentionally Delayed Claim for the Benefit of a Prior-Filed Application..." (emphasis added) dated November 7, 2005.

CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION

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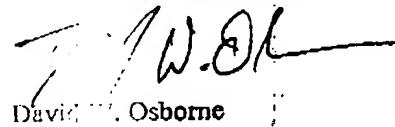
Ms. Latrice Sims
November 16, 2006
Page 2

- a. Copy of Monthly Statement of Deposit Account for Nov. 30, 2005 with the above charge noted
- b. Copy of the above-mentioned resubmitted petition noting that the fee had been previously paid.
3. It is the standard procedure for the Patent Office to charge for petitions only once, and to not charge for resubmission of such petitions.

Therefore, as you can see, the petition fee for this petition has been charged to the above-referenced deposit account twice. We respectfully request a refund of the excess \$1370.00 as soon as possible.

Very truly yours,

THORPE NORTH & WESTERN, LLP



David W. Osborne

DWO/kcj
Enclosure

10305.doc

CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION

NOV-20-2006 MON 05:31 PM THORPE NORTH & WESTERN

FAX NO. 801 566 6673

P. 03



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MONTHLY STATEMENT
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THORPE NORTH & WESTERN
 CALVIN E. THORPE
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FINA

Account No.
200100
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10-31-05
Page
1

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 U. S. Patent and Trademark Office
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 Chicago, IL 60673

DATE POSTED MO. DAY YR.	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEES CODE	CHARGES/ CREDITS	BALANCE
10 4 05	6	10846956	22843.CIP	2202	-3.00	1634.60
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10 4 05	12	10846956	22843.CIP	1202	150.00	1287.60
10 4 05	25	10840835	22378.CON	1201	362.00	925.60
10 4 05	37	10269423	4384.1 P	1253	222.00	703.60
10 4 05	39	09689225	4315P	2251	-55.00	758.60
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10 5 05	46	10786385		2201	100.00	593.60
10 11 05	75	11244723	23702.NP	1201	400.00	193.60
10 11 05	76	11244723	23702.NP	1202	150.00	43.60
10 14 05	270	11244723	23702.NP	8021	40.00	3.60
10 18 05	9	E-REPLENISHMENT		9203	-5000.00	5003.60
10 18 05	10	10764016	LIP0-001/01US	1454	1370.00	3633.60
10 18 05	11	10700838	LIP0-001/00US	1454	1370.00	2263.60
10 19 05	11	11223084	22027.1P3.CON4	2081	125.00	2138.60
10 19 05	22	60723545	25222.PROV	2085	125.00	2013.60
10 21 05	2	10286381	88066-7888 AAF	1202	756.00	1257.60
10 21 05	3	10286381	88066-7888 AAF	1814	130.00	1127.60
10 21 05	11	09478114	T-4885.CIP	2801	395.00	732.60
10 21 05	33	10278033	906828-026086	1814	130.00	602.60
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10 31 05	15	10979443	20719.DIV2	2251	60.00	477.60
10 31 05	124	SERVICE CHARGE		9202	25.00	452.60

AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT	OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
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MS0208 (8/2004)
 PAGE 3/8 * RCVD AT 11/20/2006 7:36:52 PM (Eastern Standard Time) * SVR:USPTO-EFXRF-03 * DNIS:2736500 * CSID:801 566 6673 * DURATION (mm:ss):02:14 * DRAWN



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 Chicago, IL 60673

DATE POSTED MO. DAY YR.	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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11 4 05	51	10646394	9204		-510.00	5210.60
11 8 05	3	10874695	22854	2252	225.00	4985.60
11 8 05	59	11184560	1463		70.00	4915.60
11 9 05	1	10676670	21953	1999	3.00	4912.60
11 9 05	173	10700838	LIPO-001/0005	1454	1370.00	3542.60
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11 15 05	29	11261931	2311		100.00	5292.60
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11 15 05	87	11271114	25229.NP	2202	2150.00	3042.60
11 16 05	135	11133145	22411.NP.PCT.US	1463	70.00	2972.60
11 17 05	1	10436443	23904	2202	50.00	2922.60
11 17 05	4	6403.01		1551	450.00	2472.60
11 17 05	19	E-REPLENISHMENT		9203	-5000.00	7472.60
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AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT	OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
	452.60	8970.00	17296.00	8778.60

Patent App. SN: 10/700,838
Attorney Docket No. 23625

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Fikstad et al.	CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8  Julia Seagren <u>11/17/2005</u> Date of Deposit
SERIAL NO.:	10/700,838	
FILED:	November 3, 2003	
FOR:	PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE	
ART UNIT:	1614	
EXAMINER:	Royds, L.	
DOCKET NO.:	23625	

**RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. §
1.78(a)(3)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a resubmission of a petition to correct a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3), and in accordance with the fees set forth in 37 C.F.R. 1.17(t) which have previously been paid.

Page 1 of 4

NOV-20-2006 MON 05:32 PM THORPE NORTH & WESTERN

FAX NO. 801 566 6673

P. 06

Patent App. SN: 10/700,838
Attorney Docket No. 23625

REMARKS

Applicants resubmit this petition to amend a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3). Applicants submit that the entire delay for filing the proper claim of benefit was unintentional and respectfully requests acceptance of this petition.

Page 2 of 4

Patent App. SN: 10/700,838
Attorney Docket No. 23625

PARAGRAPH REQUIRED BY 35 U.S.C. 120 AND 37 C.F.R. 1.78(a)(2)

The following is the paragraph required by 35 U.S.C. 120 and 37 C.F.R. 1.78(a)(2):
"This application is a continuation in part of U.S. Patent App. No. 10/428,341 filed on May 1, 2003, now issued as U.S. Patent No. 6,923,988, which is a continuation of U.S. Patent App. No. 09/800,593 filed on March 6, 2001, now issued as U.S. Patent No. 6,569,463, which is a division of U.S. Patent App. No. 09/147,690, now issued as U.S. Patent No. 6,248,363."

Patent App. SN: 10/700,838
Attorney Docket No. 23625

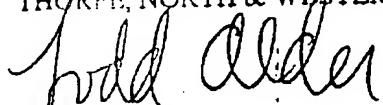
CONCLUSION

Deposit Account No. 20-0100 has previously been charged for the required fee of \$1,370.00 as specified in 37 C.F.R. 1.17(t). In any other event remediable by a fee, please credit any over payment or charge any additional fees to the above deposit account.

Dated this 7th day of November 2005.

Respectfully submitted,

THORPE, NORTH & WESTERN, LLP



Todd B. Alder
Reg. No. 54,598
8180 South 700 East, Suite 200
Sandy, UT 84070
Telephone: (801) 566-6633
Facsimile: (801) 566-0750

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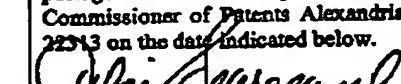
P. 02/05

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Patent App. SN: 10/700,838
Attorney Docket No. 23625

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Fikstad et al.	CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8
SERIAL NO.:	10/700,838	I hereby certify under 37 CFR § 1.8 that this correspondence is being facsimile transmitted to the USPTO or being deposited with the United States Postal Service with sufficient postage as first class postage in an envelope addressed to Commissioner of Patents Alexandria, VA 22313 on the date indicated below.
FILED:	November 3, 2003	
FOR:	PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE	
ART UNIT:	1614	
EXAMINER:	Royds, L.	 Julie Scargear
DOCKET NO.:	23625	<u>11/7/2005</u> Date of Deposit

**RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. §
1.78(a)(3)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a resubmission of a petition to correct a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3), and in accordance with the fees set forth in 37 C.F.R. 1.17(t) which have previously been paid.

Page 1 of 4

PAGE 2/5 * RCV'D AT 11/7/2005 4:21:59 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/30 * DNI:2738300 * CSID:801 566 6673 * DURATION (mm:ss):01:28

11/09/2005 WARDER1 00000122 200100 10700338
01 FC:1454 1370.00 20
adjustment date 12/16/2006 SPENDBB1
00000122 200100 10700338
01 FC:1454 1370.00 20

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